

Statement of Compliance with MA Rights

Notification of Prior Approval for a Proposed Change of Use from E Class to Residential (C3)

5 Crompton Street, Bury, BL9 0AD

02.03.2023

Hestia Town Planning

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WS14 0JP

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1. Introduction

This Statement of Compliance (the “Statement”) has been prepared by Hestia Town Planning to support a prior notification application for ‘Proposed Change of Use from Use Class E to C3 Residential’ at 5 Crompton Street, Bury, BL9 0AD

The Applicant has undertaken a review of housing demand in the area and considers that this type of property is very much in demand for the area and would be an appropriate use for the property, providing well maintained and high-end accommodation in a very sustainable location. As the existing use is a nursery, a nursery impact assessment has also been undertaken to support the change of use.

The Statement covers the relevant planning legislation and is structured by headings to show how the building can be converted under Class MA of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The Statement concludes that there are no reasons why the application should not be determined and that prior approval is **not** required.

This Statement should be read in conjunction with the noise report submitted with the application.

The application is also supported by a duly complete application form and the following drawings:

- 23.3063.1B Existing Ground Floor Plan.
- 23.3063.2A Existing First Floor Plan.
- 23.3063.3B Existing Second Floor Plan.
- 23.3063.4 Existing Section X – X.
- 23.3063.5 Existing Section Y – Y.
- 23.3063.6 Existing & Proposed Block Plans.

- 23.3063.7 Existing & Proposed Front Elevations.
- 23.3063.8 Existing & Proposed Side Elevation 1.
- 23.3063.9 Existing & Proposed Side Elevation 2.
- 23.3063.10 Existing & Proposed Rear Elevations.
- 23.3063.SC1.1C Proposed Ground Floor Plan.
- 23.3063.SC1.2D Proposed First Floor Plan.
- 23.3063.SC1.3C Proposed Second Floor Plan.
- Site Location Plan V2

These should be referred to alongside the Statement.

2. Site Description

The site is located at 5 Crompton Street, Bury. The building was previously occupied on the ground floor by a nursery/play centre. The first and second floors were occupied by a nursery. This use ceased in May 2020. Under the September 2021 Use Class Order it now falls within an E use class. The surrounding area comprises a mix of commercial and residential properties, typical for a town centre.

The site is conveniently located to the north of Mill Gate Shopping Centre with train and tram stops just 0.1 miles from the site. Frequent bus services are also near to the site.

A site location plan is shown below in Figure 1.

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Figure 1 - Site Location

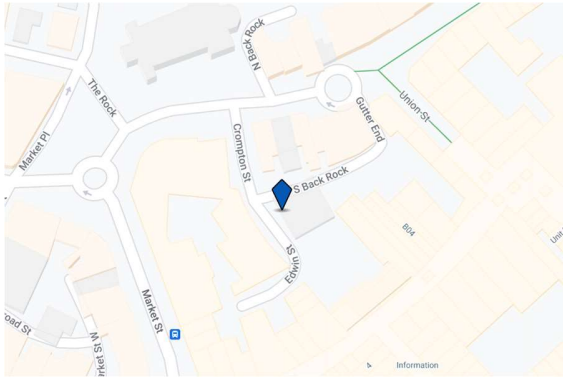


Figure 2 – 5 Crompton Street



Figure 3 - 5 Crompton Street

3. Compliance with Use Class MA

This section explains how the proposed change of use meets all of the requirements set out under Class MA Rights of the GPDO 2015 and shows that

there are no reasons why the application should not be determined.

Site Use and Vacancy

The existing use of the Site is a nursery (Use Class E).

Development is not permitted by Class MA— (a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval.

It can be confirmed that the property has been used as a nursery for at least 2 years and has been vacant for at least 3 months.

The nursery official closed down with Ofsted in 2020



as shown below:

Figure 4 – Nursery Closure


[Home](#) > Welcome Nursery @ Crompton Street

CLOSED
Welcome Nursery @ Crompton Street
URN: 2590580
Address: 5 Crompton Street, Bury, Lancashire, BL9 0AD

All reports

- Closed
- 06 May 2020
Registration
Register(s): Early Years Register, Compulsory Childcare Register, Voluntary Childcare Register
- Opened

Source:

<https://reports.ofsted.gov.uk/provider/16/2590580>

Figure 5 – Previous use

Before 'Welcome Nursery', the premises operated as 'Go Wild' Day Nursery in 2018.

CLOSED

Go Wild Bury Day Nursery

URN: EY491143

Address: 5 Crompton Street, Bury, Lancashire, BL9 0AD

Rating and reports

All reports

Closed

03 July 2018

Complaint: actions taken

PDF – Published 18 July 2018

Source:

<https://reports.ofsted.gov.uk/provider/16/EY491143>

Figures 4 and 5 show that the premises were in nursery use for a continuous period of at least two years prior to the date of this application for prior approval. This is also evidenced by its listing with VOA as shown below. This shows an effective date of August 2017.

Figure 6 – VOA Data

Description	Day nursery and premises
Local council	Bury
Local council reference	0B280600511121
Rating list	2017
Effective date	1 April 2017
List alteration date	17 May 2019
Valuation scheme reference	348547
Base rate	£50.00
Measurement method	Net internal area
Transitional relief certificate issued	Yes
Special category code	085G

Source: <https://www.tax.service.gov.uk/business-rates-find/valuations/start/12090619000>

Floor space

If the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres then the application is not permitted under Class MA Rights.

It is confirmed that the gross internal area of the property is approximately 804.5 square metres (NIA) and therefore the application complies with MA rights. This is also shown on the accompanying plans.

Figure 7 – Floorspace

ACCOMMODATION		
	Sq. ft	Sq. m
Ground Floor	3,810	354
First Floor	3,709	344.5
Second Floor	1,237	115
Total Area	8,756	804.5

Designations

Development is not permitted under MA Rights if land covered by, or within the curtilage of, the building—

- (i) is or forms part of a site of special scientific interest;
- (ii) is or forms part of a listed building or land within its curtilage;
- (iii) is or forms part of a scheduled monument or land within its curtilage;
- (iv) is or forms part of a safety hazard area; or
- (v) is or forms part of a military explosives storage area; Complies - the site is not covered by any of these designations.

It can be confirmed that the property is **not** covered by any of these designations and is therefore permitted by Class MA.

if the building is within—

- (i) an area of outstanding natural beauty; (
- ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;
- (iii) the Broads; (iv) a National Park;
- or (v) a World Heritage Site; Complies - the site is not within any of these designations.

It can be confirmed that the property is **not** covered by any of these designations and is therefore permitted by Class MA.

Conservation Area

The site lies within Bury Town Centre Conservation Area. Where changing the ground floor or whole building within a conservation area the impact on the character or sustainability of the conservation area must be assessed. However, Class MA of the General Permitted Development Order (2021) is not clear on what is meant by sustainability of the conservation area. The proposal will not result in any harm to the Conservation Area and the loss of signage is likely to result in an improvement to the building. There is not an overconcentration of C3 uses within the area that are impacting on businesses. The increase in people is likely to increase local spend which will contribute to keeping the surrounding units occupied. The proposals will not impact on the buildings frontage and the change of use will not impact on the viability and vitality of the shopping centre.

Most importantly, The Bury Town Centre Conservation Area Appraisal (February 2007) Para 5.6 highlights the risk of this building being underused. It states: "Few buildings in Bury conservation area are entirely empty and at risk of neglect. Exceptions include the fine former post office building on Crompton Street."

Generally, when buildings are at risk and have a high and frequent vacancy rate, they need a viable new use. This will ensure it continues to contribute to the character of the conservation area.

The applicant intends on investing a lot of money and time to bring this old traditional building to life to ensure it does not fall into state of disrepair. Such enterprise should be supported and the proposal would be beneficial to all businesses in around Crompton Street.

The proposal is therefore permitted by Class MA.

Agricultural Tenancy

Class MA Rights do not apply if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained.

The site is not covered by an agricultural tenancy and therefore development under Class MA is permitted.

Social/Economic Issues

It is not considered that there are any relevant social or economic issues affecting the existing site, the proposal for new residents will contribute to the economy of the area. The loss of the site as a nursery is considered within the 'nursery impact assessment' which concludes that there is no need for a nursery within the area.

Use

The proposal seeks to change the use of the building to 16 apartments. These are considered appropriate to this site.

Appearance

The proposals are to create a total of 14 x one bedroom apartments, 1 x studio and 1 x two bedroom. There is sufficient space within the property to accommodate this proposal.

All rooms and living spaces are compliant with living standards.

No changes on the appearance or fenestration are proposed. There is a potential for this building to be sympathetically improved on its functionality and utility without any loss to its original identity.

The proposal seeks to secure high-quality design and an improved standard of amenity for existing and future occupants.

Article 4 Direction

There is no Article 4 on the area which would prevent the development from taking place.

Services

The loss of the site as a nursery is considered within the 'nursery impact assessment' which concludes that there is no need for a nursery within the area.

Fire Safety

The building to be converted provides sufficient openings and an external fire escape.

Flooding

The site is not located within an area at risk of flooding.

Highways

It is proposed to include bike storage to encourage sustainable modes of travel. The site is easily accessible and the change in use will not impact on the highway network in terms of net additional traffic generation. The application would not have a material impact on the safety and operation of the adjoining public highway. As such, Prior Approval should not be required for this element.

Noise

A noise assessment accompanies the application and calculations have been carried out to estimate the likely contribution of noise from other sources. The results well below the background noise climate

of the area and thus there will be no adverse noise impact from sources on the new residents. Thus, it has been determined that no specific mitigation measures are necessary at the proposed development in respect of commercial noise.

Contamination

The previous use of the site is unlikely to have given rise to contamination, particularly due to its vulnerable use as a nursery. Prior to a nursery the building was a post office. Therefore, land contamination is not considered necessary in this instance.

Natural Light

New government legislation, came into effect on 1 August 2020, to ensure that all new dwellings built under permitted development rights provide their occupants with adequate natural light.

The floor plans that accompany this application identify all windows within the property and shows that the provision of adequate natural light in all habitable rooms is good and meets the standards. Therefore, prior approval is not required.

Nursery Impact Assessment

There are seven other nurseries within 1 mile of the site that have capacity for new children.

The building has been marketed for over a year and there has been no interest from nurseries.

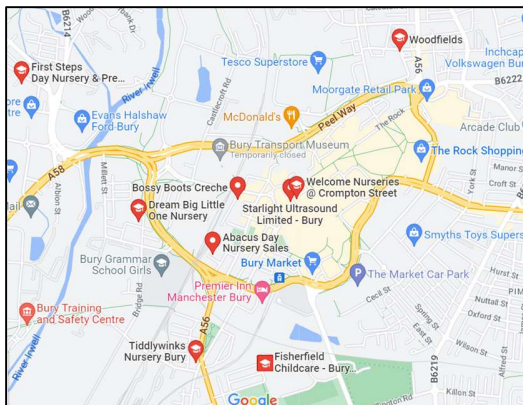
The distances to nearby nurseries within a 1 mile radius are:

- Bossy Boots Creche is 0.2 miles from the site
- Abacus Day Nursery is 0.3 miles from the site
- Dream Big Little One Nursery is 0.5 miles from the site

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- Tiddlywinks Nursery is 0.5 miles from the site
- Woodfields Nursery is 0.5 miles from the site
- Fisherfields Nursery 0.7 miles from the site
- First Steps Day Nursery is 0.8 miles from the site

Figure 8 – Nurseries within a one mile radius



The existing nursery has closed 43 nurseries over the last three years. The nursery believes that there is a lower demand for nursery places in town centres due to there being a lack of surrounding residential use. In addition, nurseries are complaining of fewer take up of places. This is mainly due to many parents now being offered more flexible working and being able to work from home. The below screen shots are taken from the closures that have been registered with Ofsted. The nursery has struggled to sell many of these nurseries on to other education providers.

Figure 9 – Nursery Closures

Response for:	
43 results	
Welcome Nurseries@ Colchester 49 William Harris Way, Colchester, Essex, CO2 8WJ	CLOSED
Welcome Nurseries@Essex The Essex Golf and Country Club, Eaux Colne, Essex, CO6 2NS	CLOSED
Welcome Nurseries@Leyland Hastings Road, Leyland, Lancashire, PR25 3SP	CLOSED
Welcome Nurseries@Langho The Chapel, Whalley New Road, Langho, Blackburn, BB6 8EQ	CLOSED
Welcome Nurseries@Ingol 352 Zay Lane, Ingol, Preston, PR2 7AA	CLOSED
Welcome Nurseries@ Swinton Little Moss Lane, Clifton, Swinton, Manchester, M27 6HA	CLOSED
Welcome Nursery @ Crompton Street 5 Crompton Street, Bury, Lancashire, BL9 9AD	CLOSED
Welcome Nurseries - The Village Pre School The Village Hall, The Village, Osbalwick, York, YO10 3NS	CLOSED
Welcome Nurseries@Stanley Road 418 Stanley Road, Bootle, L20 5AE	CLOSED
Welcome Nurseries @ Cowersley Lane Community Centre, 119-121 Cowersley Lane, Huddersfield, HD4 5JT	CLOSED
Welcome Nurseries @ Rainbow House Blackburn Rainbow House, Agnes Street, Blackburn, Lancashire, BB2 2NR	CLOSED
Welcome Nurseries @ Stalybridge Ridge Hill Children's Centre, School Crescent, STALYBRIDGE, Cheshire, SK15 1EA	CLOSED
Lilliput Farm Day Nursery powered by Welcome Nurseries Limited Lilliput Farm Day Nursery, Big Hind Heath Farm, Hind Heath Road, SANDBACH, CW11 3LZ	CLOSED
The Welcome Nursery Kairns House, U K D House, Norstead Place, London, SW15 3SA	CLOSED
Welcome Nurseries Alfرتون Grange Street, Alfreton, DE55 7AA	CLOSED
Smarties@ Welcome Nurseries West Street, Enderby, Leicester, LE19 4LS	CLOSED
Welcome Nurseries Millstone Lane 17 Millstone Lane, LEICESTER, LE1 5JN	CLOSED
Welcome Nurseries @ Catterick Garrison The Old School, Hipswell, Catterick Garrison, North Yorkshire, YO4 4BB	CLOSED
Welcome Nurseries @ Little Lever 7 Fletcher Street, Little Lever, Bolton, BL3 1HW	CLOSED
Welcome Nurseries @ Greetlands The Old School, Green Lane, Greetland, Halifax, HX4 8DB	CLOSED
Welcome Nurseries @ Eastham 162 Eastham Road, Wirral, CH62 9AD	CLOSED
Welcome Nurseries @ Old Hall Smygg Street, Congleton, CW12 1QR	CLOSED
Welcome Nurseries @ Moor Park The Limes, 79-81 Moor Park Avenue, PRESTON, PR1 6AS	CLOSED
Welcome Nurseries @ Barnard Castle Harrise Enterprise Park, Barnard Castle, DL12 8XT	CLOSED
Welcome Nurseries @ Bramley Lane 181 Bramley Lane, HALIFAX, HX3 8JJ	CLOSED
Welcome Nurseries @ Mansfield Cove Hill Drive, Mansfield, NG18 7AE	CLOSED

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Welcome Petite Nursery The Pavilion, Calf Close, York, YO32 3NX	CLOSED
Welcome Nurseries @ Meanwood Road 281 Meanwood Road, Leeds, LS7 2JD	CLOSED
Welcome Nurseries @ Clayton West Collins Way, Clayton West, Huddersfield, HD8 9TR	CLOSED
Welcome Nurseries @ The Stables Wem 20 Wernbrook Road, Wem, SHREWSBURY, SY4 5AH	CLOSED
Welcome Nurseries@Padgate Hiden Road, Padgate, Warrington, W92 0JP	CLOSED
Welcome Nurseries@Stanley 78 Lake Look Road, Stanley, Wakefield, WF3 4HP	CLOSED
Welcome Nurseries @ Little Hulton 273-277 Manchester Road East, Little Hulton, Manchester, M38 9AW	CLOSED
Welcome Nurseries@St Helens 59 Haisfield Street, St. Helens, WA10 2DW	CLOSED
Welcome Nurseries@Wellingborough 41 St. Johns Street, Wellingborough, NN8 4LG	CLOSED
Welcome Nurseries@Priory Campus Priory Campus, Pontefract Road, Barnsley, S71 5PN	CLOSED
Welcome Nurseries@Chatham Unit E, 29-38 Jenkins Dale, Chatham, Kent, ME4 5RD	CLOSED
Welcome Nurseries@Birkenshaw 38a Old Lane, Birkenshaw, Bradford, BD11 2JX	CLOSED
Welcome Nurseries @ Cannock 27 Newhall Street, Cannock, Staffs, WS11 1AB	CLOSED
Welcome Nurseries @ Wigan 11 Holt Street, Wigan, WN1 3HD	CLOSED
Welcome Nurseries @ Thrybergh St Peter's Church, Oldgate Lane, Rotherham, South Yorkshire, S65 4JL	CLOSED
Welcome Nurseries @ New Ollerton Fountain Court, Derwent Drive, New Ollerton, NEWARK, Nottinghamshire, NG22 9QS	CLOSED
Welcome Nurseries @Treeton 1 Station Road, Treeton, ROTHERHAM, South Yorkshire, S60 5PN	CLOSED

Source:

<https://reports.ofsted.gov.uk/provider/49/2576357>

Conclusion

Prior Notification under Class MA of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (GDPO) Order 2015 - Change of use of Class E to a dwelling (Use Class C3) has been applied for.

It is considered that the proposal would meet with the criteria listed in the GDPO.

Prior Approval is therefore not required and permission should be granted for this development.